IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

WRIT CONTEMPT No. 128 of 2006

JAGJIWAN CHAND BHANDARI
V/S
SHRI BHANWAROO KHAN & ANR.

Mr. JC BHANDARI, petitioner in person.

Date of Order : 25.5.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard the petitioner.

On the last date, the petitioner filed an application, submitting that I was Advocate, representing the High Court against the petitioner in D.B. Civil Writ Petition No. 2584/1990, and in the above facts and circumstances, the case falls under the category of exception. In that view of the matter, on the last date, file of Writ Petition No. 2584 was directed to be put up along with this contempt petition.

From perusal of that file it transpires, that the controversy in that writ petition was about promotion of the petitioner, vis-à-vis the private respondents therein,

wherein I was the counsel for the High Court. The promotion was claimed, inter alia on the ground, that various departmental enquiries initiated against the petitioner resulted in his exoneration.

As against this the present contempt matter alleges the non compliance of the order dt. 24.7.1998, passed in S.B. Civil Writ Petition No. 5222/93, wherein the subject matter of challenge was, the order of petitioner's compulsory retirement. Thus, the controversy involved in this matter has nothing to do with the controversy involved in the Writ No. 2584/1990.

I would like to make it clear, that simply because I happened to be counsel for one particular client, or happened to be a counsel against a particular client, may be individual, or may be body corporate, in some litigation, it cannot be said, that I should not hear any other litigation, of such party, irrespective of the fact, that the litigation may have nothing to do with the earlier litigation, in which I had been the counsel.

Otherwise it would practically make it impossible for this Court to function, as during my professional career I had been counsel for sizeable number of corporate

bodies including the High Court, or the various Insurance Companies, or various Municipalities or the like.

Thus, in view of the fact, that the controversy involved in the present contempt petition has nothing to do whatever, with the controversy involved in the Writ No. 2584/1990, the application filed by the petitioner, on 16.5.2006, is dismissed.

Thereafter the petitioner was heard on merits of the contempt petition. The grievance of the petitioner is, that earlier order of compulsory retirement being order dt. 30.6.1992 has been set aside by order dt. 24.7.1998, and the Registrar General was left free to decide the matter afresh, according to the Rules, within a period of two months from that date. It is contended, that the Registrar General has purportedly passed a fresh order Annexure-7 dt. 23.9.1998. It is alleged, that in view of the order dt. 24.7.1998, the petitioner remained in service up to 24.7.1998 continuously, and had also reached the age of superannuation on 5.5.1998, as such, since the petitioner has already retired after reaching the superannuation age, he cannot be treated to be retired on an anterior date, that the order dt. 23.9.1998 is not a fresh order, but it is an order putting in effect the earlier order, which has

already been quashed. Then, various submissions have been made on merits of the order dt. 23.9.1998.

In my view in the judgment dt. 24.7.1998, I find, that the appointing authority, viz. Registrar General was left free to decide the matter according to Rules within a period of two months. Significantly it was also directed therein, that "consequential benefits like back wages etc., shall depend upon the decision taken by the Registrar on the question of continuance in service". Thus, it is clear, that the order dt. 24.7.1998 never meant, that the petitioner should be deemed to be continued in service, rather all this depended on fresh order, that may be passed, consequent upon the decision being taken by the appointing authority, the Registrar. Thus, passing of the order Annexure-7, in my view, cannot be said to be tentamounting to any disobedience of the order dt. 24.7.1998.

It is a different story, that it is informed by the petitioner, that against this order Annexure-7, the petitioner had filed another writ petition, which has also been dismissed.

Thus, taken from any stand point, I do not find

any sufficient ground to initiate proceeding for contempt. The contempt petition is, therefore, dismissed.

(N P GUPTA),J.

/Sushil/